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LEGISLATIVE HISTORY

Public Law 366--78th Congress

Chapter 295--2d Session

H. R. 4292

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DIGEST OF PUBLIC LAW 366

REFUNDS OF RETIREMENT DEDUCTIONS. Eliminates the necessity of payment of interest on refunds of retirement deductions in the case of persons leaving the Government service after having served for not more than one year.

INDEX AND SUMMARY OF HISTORY ON H. R. 4292

February 29, 1944	H. R. 4292 introduced by Rep. Rees and was referred to the House Committee on Civil Service. Print of the bill as introduced.
March 27, 1944	House Committee reported H. R. 4292 with amendments. House Report 1290. Print of the bill as reported.
April 17, 1944	Debated and passed House as reported.
April 18, 1944	Referred to the Senate Civil Service Committee.
April 28, 1944	Senate Committee reported H. R. 4292 with amendments. Senate Report 814. Print of the bill as reported.
May 25, 1944	Debated and passed Senate as reported.
June 19, 1944	House agreed to Senate amendments with clarifying amendments.
June 22, 1944	Senate agreed to House amendments.
June 28, 1944	Approved. Public Law 366.

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H. R. 4292

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 1944

Mr. REES of Kansas introduced the following bill; which was referred to the Committee on the Civil Service

A BILL

To amend section 12 (b) of the Act of May 29, 1930,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 12 (b) of the Act of May 29, 1930, as amended,
4 is amended by inserting, immediately following the first pro-
5 viso, the following: "except that no such interest shall be
6 allowed on any separation unless the service covered thereby
7 aggregates more than one year".

8 SEC. 2. That the last proviso of section 12 (b) of the
9 Act of May 29, 1930, is amended by inserting after "so
10 returned to an officer or employee" the following: "with
11 respect to which interest was paid".

78TH CONGRESS
2^D SESSION

H. R. 4292

A BILL

To amend section 12 (b) of the Act of May 29, 1930, as amended.

By Mr. REES of Kansas

FEBRUARY 29, 1944

Referred to the Committee on the Civil Service

ELIMINATION OF THE PAYMENT OF INTEREST ON REFUND CLAIMS COVERING SERVICE OF 1 YEAR OR LESS

MARCH 27, 1944.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. RAMSPECK, from the Committee on the Civil Service, submitted
the following

REPORT

[To accompany H. R. 4292]

The Committee on the Civil Service, to whom was referred the bill
(H. R. 4292) to amend section 12 (b) of the act of May 29, 1930, as
amended, having considered the same, report favorably thereon with
amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all of section 2.

GENERAL STATEMENT

The work load of the Retirement Division of the Civil Service
Commission in all its phases—and particularly in connection with
refund claims—is steadily increasing. This condition will undoubtedly
continue for the duration of the war and sometime thereafter.

A considerable portion of the time consumed in the adjudication
of refund claims is involved in the determination of interest. The
elimination of interest would greatly reduce administrative cost as
well as expedite the processing of refund claims. It is believed that
prompt payment of refunds will in most cases more than compensate
for the loss of interest.

COMMENT

Under the present law interest is allowed on refund claims at 4 per-
cent per annum compounded on June 30 of each year, interest being
allowed in all cases regardless of the length of service.

The maximum reduction in refund payments which would be
caused if this proposal is adopted would range from \$9.82 in the case
of a person receiving a salary of \$10,000 a year, to 77 cents in the case
of a \$1,000-a-year salary. The great majority of refund claims now

pending in the Commission cover service of less than 1 year and between 40 and 50 percent of the pending claims cover service of less than 6 months. It is, therefore, quite apparent that no one would be seriously affected if no interest at all were allowed in such cases.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Retirement Act of May 29, 1930, as amended, are shown as follows (existing law in which no change is proposed is shown in roman; new matter is printed in italics):

Section 12 (b) as amended, of the Civil Service Retirement Act of May 29, 1930, as amended (U. S. C., title 5, sec. 724 (b)):

SEC. 12 (b). In the case of any officer or employee to whom this Act applies who shall be transferred to a position not within the purview of this Act, or who shall become absolutely separated from the service before he shall have completed an aggregate of five years of service computed in accordance with section 5 of this Act, the amount of deductions from his basic salary, pay, or compensation credited to his individual account, together with interest at 4 per centum compounded on June 30 of each year shall be returned to such officer or employee: *Provided, That when an officer or employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency before completing five years of creditable service the total amount of deductions from his basic salary, pay, or compensation with interest at 4 per centum compounded on June 30 of each year shall be returned to such officer or employee: except that no such interest shall be allowed on any separation unless the service covered thereby aggregates more than one year: Provided further, That all deductions from basic salary, pay, or compensation so returned to an officer or employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this Act be redeposited with interest at 4 per centum compounded on June 30 of each year before such officer or employee may derive any benefits under this Act, except as provided in this section, but interest shall not be required covering any period of separation from the service."*



78TH CONGRESS
2D SESSION

H. R. 4292

[Report No. 1290]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 1944

Mr. REES of Kansas introduced the following bill; which was referred to the Committee on the Civil Service

MARCH 27, 1944

Reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Omit the part struck through]

A BILL

To amend section 12 (b) of the Act of May 29, 1930,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 12 (b) of the Act of May 29, 1930, as amended,
4 is amended by inserting, immediately following the first pro-
5 viso, the following: "except that no such interest shall be
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8 SEC. 2. That the last proviso of section 12 (b) of the
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78TH CONGRESS
2^D Session

H. R. 4292

[Report No. 1290]

A BILL

To amend section 12 (b) of the Act of May 29,
1930, as amended.

By Mr. REES of Kansas

FEBRUARY 29, 1944

Referred to the Committee on the Civil Service

MARCH 27, 1944

Reported with an amendment, committed to the Com-
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Union, and ordered to be printed



of the United States, through the Secretary of State, endeavor as quickly as possible to work out, in cooperation with the British Government and the Governments of Sweden, Switzerland, and the accredited representatives of the other governments concerned, the setting up of systematic and definite relief for all stricken and hungry countries where the need is now the most acute; this relief to be based on agreements by the belligerents for the protection of the native and imported food supplies, with rigid safeguarding of such relief so that no military advantage whatever may accrue to the civil populations or armed forces of the invading nations.

The House resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF THE REGISTERS OF THE DISTRICT LAND OFFICES

The Clerk called the next bill, S. 866, to fix the compensation of registers of the district land offices in accordance with the Classification Act of 1923, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That commencing 60 days after the approval of this act the positions of registers of the district land offices shall become subject to the Classification Act of 1923 (42 Stat. 1488; 5 U. S. C., sec. 661, and the following), as amended: *Provided*, That nothing in this act shall operate to reduce the basic annual compensation of any register below the amount paid to such officer, exclusive of overtime pay, during the fiscal year immediately preceding the enactment of this act.

SEC. 2. Any moneys heretofore appropriated for the salaries and commissions of registers shall be available for the payment of the compensation of the registers under the Classification Act of 1923, as amended, and there is hereby authorized to be appropriated such additional amounts as may be necessary for that purpose.

SEC. 3. No provision of this act shall relieve any public land applicant or claimant from the necessity of making payment of fees, commissions, or other moneys required by law or regulation. Commencing 60 days after the approval of this act, the registers shall not receive any compensation based on fees, commissions, or other receipts and all amounts collected by them shall be covered into the Treasury of the United States.

SEC. 4. Sections 2237 and 2240 of the Revised Statutes and the act of May 21, 1928 (45 Stat. 684; 43 U. S. C., sec. 80), as amended, are hereby repealed and all other provisions of law inconsistent with this act are repealed to the extent of such inconsistency.

SEC. 5. The provisions of this act shall not extend to the Territory of Alaska.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXAMINATION NOT TO BE REQUIRED AS A CONDITION TO APPOINTMENT OF CERTAIN POSTMASTERS

The Clerk called the next bill, H. R. 1565, relating to the appointment of postmasters.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That no postmaster at an office of the fourth class shall be required, in the event such office is advanced to the third class, to pass any competitive or noncompetitive examination as a condition to appointment or service as postmaster

at the office so advanced; and no postmaster at an office of the third class shall be required, in the event such office is relegated to the fourth class, to pass any competitive or noncompetitive examination as a condition to appointment or service as postmaster at the office so relegated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF PREFERENCE TO VETERANS WHO DESIRE TO COMPETE FOR POSITIONS IN THE FEDERAL CIVIL SERVICE

The Clerk called the next bill, H. R. 4115, to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice as it will come up under suspension of the rules today.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

ELIMINATION OF THE PAYMENT OF INTEREST ON REFUND CLAIMS COVERING SERVICE OF 1 YEAR OR LESS

The Clerk called the next bill, H. R. 4292, to amend section 12 (b) of the act of May 29, 1930, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 12 (b) of the act of May 29, 1930, as amended, is amended by inserting, immediately following the first proviso, the following: "Except that no such interest shall be allowed on any separation unless the service covered thereby aggregates more than 1 year."

SEC. 2. That the last proviso of section 12 (b) of the act of May 29, 1930, is amended by inserting after "so returned to an officer or employee" the following: "with respect to which interest was paid."

With the following committee amendment:

Page 1, line 8, strike out all of lines 8, 9, 10, and 11.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPUTATION OF INTEREST ON CONTRIBUTIONS TO THE CIVIL SERVICE RETIREMENT FUND

The Clerk called the next bill, H. R. 4320, relating to the computation of interest on contributions to the civil service retirement fund returned to employees upon their separation from the service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 12 (b), as amended, of the Civil Service Retirement Act of May 29, 1930, as amended (U. S. C., title 5, sec. 724 (b)), is amended by inserting at the end thereof the following: "In computing interest under this subsection, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in

which case it shall be considered as a full month."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING THE FILLING OF A VACANCY IN THE OFFICE OF DISTRICT JUDGE, DISTRICT OF NEW JERSEY

The Clerk called the next bill, H. R. 3732, to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provision of subsection (a) of section 2 of the act entitled "An act to provide for the appointment of additional district and circuit judges," approved May 24, 1940 (54 Stat. 219), which reads: "Provided, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled," be, and it hereby is, repealed insofar as it relates to the office of district judge in the district of New Jersey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING ACQUISITION OF ADDITIONAL LANDS AND FLOWAGE EASEMENTS FOR PLEASANT HILL RESERVOIR, OHIO

The Clerk called the next bill, H. R. 2752, to authorize the acquisition of additional lands and flowage easements for the Pleasant Hill Reservoir, Ohio, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That, with the consent of the owners thereof, the Secretary of War in his discretion shall acquire, on behalf of the United States, title in fee simple to, or flowage easements over, such additional lands in the vicinity of Perryville, Ohio, as the Chief of Engineers may find to be subjected to flooding as a result of the impounding of water in the Pleasant Hill Reservoir, a unit in the Muskingum watershed flood-control project. If the owner of any land found to be subjected to flooding does not desire to sell, or grant a flowage easement over, such land to the United States, he may present to the Secretary of War from time to time claims for damages on account of the flooding of such land. The Secretary of War shall thereupon determine the amount he may find to be due such claimant and certify such amount to Congress as a legal claim for payment out of funds which are hereby authorized to be appropriated for the payment of such claims.

With the following committee amendments:

Page 1, line 4, after the word "War", insert "in his discretion."

Page 2, line 1, strike out all of the bill after the word "project."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENEFITS TO MERCHANT SEAMEN

The Clerk called the next bill, H. R. 4163, to amend section 2 of Public Law

17, Seventy-eighth Congress, relating to functions of the War Shipping Administration, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 (relating to seamen's insurance) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (Public Law 17, 78th Cong.; 57 Stat. 45), is amended as follows:

(1) By inserting after the first sentence of subsection (b) thereof a new sentence to read as follows: "There shall be no recovery of any money paid on account of insurance provided for the master, officers, or members of the crew of, or individuals transported on, any vessel under this subsection or under subtitle—insurance of title II of the Merchant Marine Act, 1936, as amended, from any person who in the judgment of the Administrator, War Shipping Administration, is without fault, and when in the judgment of the Administrator such recovery would defeat the purposes of benefits otherwise authorized or would be against equity and good conscience."

(2) By adding at the end of said section new subsections to read as follows:

"(c) The Administrator, War Shipping Administration, is also authorized to make adequate payments to a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, for permanent total or partial disability as long as such disability resulting from causes related to the war effort whether heretofore or hereafter arising exists.

"(d) The War Shipping Administration shall have the right of intervention and a lien and right of recovery in the cases and to the extent of any payments paid and payable under this section or under subtitle—insurance of title II of the Merchant Marine Act, 1936, as amended, in the manner provided in the last paragraph of subsection (c) of section 105 of the act approved December 2, 1942 (Public Law 784, 77th Cong.; 42 U. S. C., sec. 1701), as amended by Public Law 216, Seventy-eighth Congress, approved December 23, 1943. Any amounts recovered under this provision shall be covered into the marine and war-risk insurance fund, War Shipping Administration."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ABOLISHMENT OF THE JACKSON HOLE NATIONAL MONUMENT

The Clerk called the next bill, H. R. 2241, to abolish the Jackson Hole National Monument as created by Presidential Proclamation No. 2578, dated March 15, 1943, and to restore the area embraced within and constituting said monument to its status as part of the Teton National Forest.

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BARDEN]?

There was no objection.

ESTABLISHMENT OF HARPERS FERRY NATIONAL MONUMENT

The Clerk called the next bill, H. R. 8524, to provide for the establishment of

the Harpers Ferry National Monument.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interest in land, buildings, structures, and other property in the vicinity of Harpers Ferry, W. Va., not to exceed 1,500 acres, as the Secretary of the Interior may deem necessary to carry out the purposes of this act, and donations of funds for the purchase and maintenance thereof, the evidence of title to such lands to be satisfactory to the Secretary of the Interior. Any Federal land within the area designated by the Secretary of the Interior as necessary for monument purposes shall be transferred to the administration of the Department of the Interior and when so transferred shall become a part of the monument: *Provided,* That the Federal department or agency having administration over such land shall agree in advance to such transfer.

SEC. 2. The property acquired under the provisions of section 1 of this act shall constitute the Harpers Ferry National Monument and shall be a public national memorial commemorating the Harpers Ferry, campaigns of the War between the States (Civil War) and the great cause of human freedom. The Director of the National Park Service under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national monument, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended.

SEC. 3. The Secretary of the Interior is authorized to—

(1) Maintain, either in an existing structure acquired under the provisions of section 1 of this act or in a building constructed by him for the purpose, a museum for relics and records pertaining to historic events that took place at Harpers Ferry, and for other relics of national and patriotic interest, and to accept on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum; and

(2) Construct roads and facilities and mark with monuments, tablets, or otherwise, points of interest within the boundaries of the Harpers Ferry National Monument.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

With the following committee amendments:

Page 2, line 11, after the word "commemorating", strike out the word "the" and insert "historical event at or near."

Page 2, line 12, strike out "campaigns of the War between the States (Civil War) and the great cause of human freedom."

Page 3, line 10, after the word "the", insert "improvement and maintenance on the land and sites donated under the."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO EXPEDITING ACT

The Clerk called the next bill, H. R. 3054, to amend the Expediting Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of February 11, 1903, chapter 544, be amended to read as follows:

"In every suit in equity brought in any district court of the United States under any of said acts, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within 60 days from the entry thereof: *Provided, however,* That if, upon any such appeal, it shall be found that, by reason of disqualification, there shall not be a quorum of Justices of the Supreme Court qualified to participate in the consideration of the case on the merits, then, in lieu of a decision by the Supreme Court, the case shall be immediately sent by the Supreme Court to the senior circuit judge of the circuit in which is located the district in which the suit was brought and it shall be the duty of the senior circuit judge to designate immediately three circuit judges of said circuit, one of whom shall be himself and the other two of whom shall be the two circuit judges next in order of seniority to himself, to hear and determine the appeal in such case and it shall be the duty of the judges so designated to assign the case for argument at the earliest practicable date and to participate in the determination thereof and the decision of the three circuit judges, or of a majority in number thereof, shall be final and there shall be no review of such decision by appeal or certiorari or otherwise.

If, by reason of death or otherwise, any of said three circuit judges shall be unable to participate in the decision of said case, any such vacancy or vacancies shall be filled by the senior circuit judge by designating one or more other circuit judges of the said circuit next in order of seniority and, if there be none such available, he shall fill any such vacancy or vacancies by designating one or more circuit judges from another circuit or circuits, designating, in each case, the oldest available circuit judge, in order of seniority, in the circuit from which he is selected, such designation to be only with the consent of the senior circuit judge of any such other circuit.

This amendment shall apply to every case pending before the Supreme Court of the United States on or after the date of enactment of this act."

With the following committee amendment:

Page 1, strike out all after the enacting clause and insert the following:

"That section 2 of the act of February 11, 1903, chapter 544, be amended to read as follows:

"In every suit in equity brought in any district court of the United States under any of said acts, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within 60 days from the entry thereof: *Provided, however,* That if, upon any such appeal, it shall be found that, by reason of disqualification, there shall not be a quorum of Justices of the Supreme Court qualified to participate in the consideration of the case on the merits, then, in lieu of a decision by the Supreme Court, the case shall be immediately sent by the Supreme Court to the circuit court of appeals of the circuit in which is located the district in which the suit was brought and it shall be the duty of the senior circuit judge of said circuit court of appeals, qualified to participate in the consideration of the case on the merits, to designate immediately three circuit judges of said court, one of whom shall be himself and the other two of whom shall be the two circuit judges next in order of seniority to himself, to hear and determine the appeal in such case and it shall be the duty of the court, so comprised, to assign the case for argument at the earliest practicable date and to hear and determine the same, and the decision of the three circuit judges so designated, or of a majority in number thereof, shall



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 78th CONGRESS, SECOND SESSION

Vol. 90

WASHINGTON, TUESDAY, APRIL 18, 1944

No. 67

Senate

(Legislative day of Wednesday, April 12, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God who art behind the enshrouding mists and in them, we turn to Thee in whom there is no darkness at all. Through the mystery of earth's shadows lead our pilgrim feet as day by day we follow the gleam of Thy unfolding will for our lives, knowing that we cannot drift beyond the circle of Thy love and care. In patience and fidelity may we guard the flickering flame of the light within. Grant by Thy grace that in our particular sphere of service we may not be found wanting in this solemn hour of world crisis, when the bugles are sounding and the battle is set.

We pray, as increasing trials come upon us, we may not shirk the issues of these creative days, nor lose our victorious faith in the final overthrow of evil and the enthronement of righteousness and truth, but, solemnly committing ourselves and our country unto Thee, who knoweth the way we take, that we shall come forth like gold tried in the fire. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, April 17, 1944, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 866) to fix the compensation of registers of the district land offices in accordance with the Classification Act of 1923, as amended.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 86. An act to grant pensions to certain unmarried dependent widows of Civil

War veterans who were married to the veteran subsequent to June 26, 1905;

H. R. 1565. An act relating to the appointment of postmasters;

H. R. 1675. An act to amend section 9 of the Pay Readjustment Act of 1942 (Public Law 607) by providing for the computation of double-time credits awarded between 1898 and 1912 in determining retired pay;

H. R. 2752. An act to authorize the acquisition of additional lands and flowage easements for the Pleasant Hill Reservoir, Ohio, and for other purposes;

H. R. 3054. An act to amend the Expediting Act;

H. R. 3524. An act to provide for the establishment of the Harpers Ferry National Monument;

H. R. 3732. An act to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey;

H. R. 4115. An act to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed;

H. R. 4163. An act to amend section 2 of Public Law 17, Seventy-eighth Congress, relating to functions of the War Shipping Administration, and for other purposes;

H. R. 4238. An act providing for the naturalization of certain alien veterans of the Spanish-American War, the First World War, and members of the Regular Army or National Guard who served on the Mexican border from June 1916 to April 1917;

H. R. 4292. An act to amend section 12 (b) of the Act of May 29, 1930, as amended; and

H. R. 4320. An act relating to the computation of interest on contributions to the civil service retirement fund returned to employees upon their separation from the service.

CORRECTION OF THE RECORD

Mr. STEWART. Mr. President, yesterday, during discussion of the motion to reconsider the votes by which Senate bill 469, known as the Red Cross bill, was passed, request was made that the matter be taken up on next Friday, and in that connection certain colloquy occurred. I call attention to the fact that in the third column on page 3546 of the CONGRESSIONAL RECORD certain statements were credited to me which were made by the junior Senator from Arizona [Mr. McFARLAND]. There are three instances in which remarks are credited to

me which should be credited to the junior Senator from Arizona [Mr. McFARLAND], and I ask unanimous consent that the permanent RECORD be corrected to show that the remarks were made by the Senator from Arizona. I have marked the places in the RECORD to which I refer.

The VICE PRESIDENT. Without objection, the corrections will be made.

INVITATION FROM SENATE OF NORTHERN IRELAND TO MAKE VISIT

The VICE PRESIDENT laid before the Senate a letter from the Ambassador of Great Britain to the United States, together with a letter of invitation from the Speaker of the Senate of Northern Ireland, which were read and referred to the Committee on Foreign Relations, as follows:

BRITISH EMBASSY,
Washington, D. C., April 14, 1944.

MY DEAR MR. VICE PRESIDENT: I have been asked by the Foreign Office to transmit to you the enclosed letter.

Believe me, dear Mr. Vice President,
Yours very sincerely,

HALIFAX.

The Honourable the VICE PRESIDENT OF THE UNITED STATES,
Senate Office.

THE RIGHT HONORABLE THE
VISCOUNT BANGOR, O. B. E.,
Stormont, Belfast, March 21, 1944.

DEAR MR. PRESIDENT: I am directed by the Senators of Northern Ireland to extend to the delegation from the Senate of the United States, which, it is understood, may visit Great Britain in the near future, a very cordial invitation to spend some days with them as their guests in Northern Ireland.

Senators are very anxious to cement the excellent relations which have existed between the forces of the United States and the people of this country during the war, and to promote a closer association between this Parliament and Congress.

Very sincerely yours,

BANGOR,
Speaker of the Senate of Northern Ireland.
The PRESIDENT OF THE SENATE,
Washington, D. C.

PERSONNEL REQUIREMENTS UNDER NATIONAL MEDIATION BOARD

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Mediation Board, transmit-

ting, pursuant to law, estimates of personnel requirements for the National Mediation Board, including the National Railroad Adjustment Board and the Railway Labor Panel, for the quarter ending June 30, 1944, which, with the accompanying papers, was referred to the Committee on Civil Service.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

DISPOSITION OF FEDERAL WAR HOUSING—INDEFINITE POSTPONEMENT OF A BILL

Mr. MALONEY. Mr. President, on December 18, 1943, I introduced S. 1607, a bill "to provide for the disposition of Federal War Housing." At the time of the introduction of the bill I had discussed this measure with a member of the National Committee on Housing, and was under the impression that the bill had the support of that committee. I have since learned that, while the bill reflects in substance proposals which that organization has made and published, proposals which have had wide approval, the committee seems to believe that most of its recommendations can be accomplished under existing laws.

I also received, on January 13, 1944, a letter from the Administrator of the National Housing Agency, a paragraph of which reads:

In summary, we feel that, through the process of experience over the past few years, and through the splendid cooperation of the Congress in shaping the Lanham Act to meet our needs as they have arisen and as the Congress and the Agency have foreseen them, we now have practically all of the necessary legislative tools to deal effectively and efficiently with the disposition of federally owned war housing.

Under these circumstances, Mr. President, I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of Senate bill 1607, and that the bill may be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Committee on Public Buildings and Grounds will be discharged from the further consideration of the bill, and the bill will be indefinitely postponed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 86. An act to grant pensions to certain unmarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905; to the Committee on Pensions.

H. R. 1565. An act relating to the appointment of postmasters; to the Committee on Post Offices and Post Roads.

H. R. 1675. An act to amend section 9 of the Pay Adjustment Act of 1942 (Public Law 607) by providing for the computation of double-time credits awarded between 1898 and 1912 in determining retired pay; to the Committee on Military Affairs.

H. R. 2752. An act to authorize the acquisition of additional lands and flowage easements for the Pleasant Hill Reservoir, Ohio, and for other purposes; and

H. R. 4163. An act to amend section 2 of Public Law 17, Seventy-eighth Congress, relating to functions of the War Shipping Administration, and for other purposes; to the Committee on Commerce.

H. R. 3524. An act to provide for the establishment of the Harpers Ferry National Monument; to the Committee on Public Lands and Surveys.

H. R. 3054. An act to amend the Expediting Act; and

H. R. 3732. An act to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey; to the Committee on the Judiciary.

H. R. 4238. An act providing for the naturalization of certain alien veterans of the Spanish-American War, the First World War, and members of the Regular Army or National Guard who served on the Mexican border from June 1916 to April 1917; to the Committee on Immigration.

H. R. 4115. An act to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed;

H. R. 4292. An act to amend section 12 (b) of the act of May 29, 1930, as amended; and

H. R. 4320. An act relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service; to the Committee on Civil Service.

PRELUDE TO PEACE—ADDRESS BY SENATOR JACKSON

[Mr. JACKSON asked and obtained leave to have printed in the RECORD an address entitled "Prelude to Peace," delivered by him at the seventy-fourth anniversary banquet celebration of Perry Lodge, F. & A. M., Marysville, Pa., March 16, 1944, which appears in the Appendix.]

ADDRESS BY GOVERNOR MARTIN, OF PENNSYLVANIA, BEFORE STATE FEDERATION OF LABOR

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address by Hon. Edwin Martin, Governor of Pennsylvania, before the State Federation of Labor, at Wilkes-Barre, Pa., April 17, 1944, which appears in the Appendix.]

RECEIPTS BY FARMERS UNDER 1942 AGRICULTURAL CONSERVATION PROGRAM

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD a letter and tables from the Department of Agriculture relative to estimated gross payments under the 1942 agricultural conservation program, which appear in the Appendix.]

IRAQ'S CONTRIBUTION TO THE WAR EFFORT

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a statement entitled "Iraq's Contribution to the Common War Effort of the United Nations," compiled from Iraq Government official sources by Maj. Chefik Haddad, which appears in the Appendix.]

THE ST. LAWRENCE SEAWAY—EDITORIAL FROM THE ST. ALBANS MESSENGER

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an editorial relative to the St. Lawrence seaway, published in the St. Albans Messenger for April 14, 1944, which appears in the Appendix.]

THE DAIRY INDUSTRY

Mr. WILEY. Mr. President, yesterday the Senator from New Hampshire [Mr. BRIDGES] presented for the RECORD an article from a Detroit newspaper showing that milk was flowing in the gutters in Detroit.

On April 15, I wrote the War Food Administration an inquiry, and received in reply a letter dated April 15, 1944, a part of which I wish to read:

The increasingly critical milk production situation, the increased urgency in volume of military and lend-lease needs for dairy products, and the continued increase in civilian consumption of fluid milk in this country made it necessary last fall that we either take some type of action to limit any further increase in civilian sales of fluid milk, or that we default in our job of meeting dairy products requirements for direct war uses.

Mr. President, this morning there came to my desk a telegram stating that milk prices have been cut 10 cents a hundredweight in Wisconsin, effective March 16, but it was not announced to the farmers until the checks were delivered on April 17.

Just think of that. On April 17 the farmers who went to the extraordinary effort asked of them, farmers whose boys have been taken from the farms, these farmers who had, through the winter, with the aid of the youngsters and the oldsters, met the demands of the Government for a super supply of milk, now find that the checks for their milk, which were due on March 15, have been cut to the extent of 10 cents a hundredweight.

The telegram states:

I ask that you protest price cut to O. P. A. and War Food Administration.

I agree with what is implied in this message, that the cutting of prices to extend back a month before the farmers have notice is not only unethical, but it is contributing to a demoralization of the home front right now, when we need morale as we never needed it before.

I wish to speak briefly about the situation as it exists in Wisconsin, and as I know it exists in other States throughout this country. Right now we can divide the proposition into three parts. First, what is the situation in relation to the transportation facilities in Wisconsin and other States? That goes to the question of trucks. The situation in Wisconsin, as it relates to farmers' milk trucks, and all milk transporting trucks, is becoming tragic. The Government asked that the farmer produce, and produce and produce, and he has done it. Then the Government reached in and took the farmers' help, and kept on taking his help, and it is taking his help now.

There will soon fall on the transportation facilities of the milk industry one of the most tremendous loads in the history of our State. This increased burden is being piled on a transportation system which is rapidly breaking down beyond economical repair. It is getting to the point where farmers cannot take

ELIMINATION OF THE PAYMENT OF INTEREST ON REFUND CLAIMS COVERING SERVICE OF 1 YEAR OR LESS

APRIL 28 (legislative day, APRIL 12), 1944.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the following

REPORT

[To accompany H. R. 4292]

The Committee on Civil Service, to whom was referred the bill (H. R. 4292) to amend section 12 (b) of the act of May 29, 1930, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The purpose of this bill is to eliminate the necessity of paying interest on refunds of retirement deductions in the case of persons leaving the Government service after having served for not more than 1 year.

Under section 12 of the Civil Service Retirement Act, approved May 29, 1930, as amended, employees of the Government with less than 5 years service are entitled upon leaving the service, to a refund with interest of amounts deducted from their pay for retirement purposes. Due to the increased turn-over in Government personnel during the war the work of the Retirement Division of the Civil Service Commission in processing applications for such refunds has steadily increased, and it is to be expected that it will continue to increase during the period immediately following the termination of hostilities.

A considerable portion of the time consumed in the adjudication of refund claims is involved in the computation of interest. It is believed that the elimination of interest in connection with the refund claims of persons with less than 1 year's service would greatly reduce administrative costs as well as expedite the processing of such claims. It is also believed that the prompt payment of refunds will in most cases more than compensate for the loss of interest.

2 ELIMINATION OF PAYMENT OF INTEREST ON REFUND CLAIMS

Under the present law interest is allowed on refund claims at 4 percent per annum compounded on June 30 of each year, interest being allowed in all cases regardless of the length of service.

The maximum reduction in refund payments which would result from the enactment of this bill would range from \$9.82 in the case of a person receiving a salary of \$10,000 a year, to 77 cents in the case of a \$1,000 a year salary. The great majority of refund claims now pending cover service of less than 1 year and between 40 and 50 percent of the pending claims cover service of less than 6 months. It is obvious, therefore, that no employee will be seriously affected by the elimination of such interest payments.

The amendment suggested by the committee is merely for the purpose of making clear that the subject matter relates to all separations from the service referred to in subsection (b) of section 12 and not merely to separations referred to in the first proviso of such subsection.

The enactment of this bill has been recommended by the Civil Service Commission.



Calendar No. 824

78TH CONGRESS
2D SESSION

H. R. 4292

[Report No. 814]

IN THE SENATE OF THE UNITED STATES

APRIL 18 (legislative day, APRIL 12), 1944

Read twice and referred to the Committee on Civil Service

APRIL 28 (legislative day, APRIL 12), 1944

Reported by Mr. DOWNEY, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend section 12 (b) of the Act of May 29, 1930,
as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 12 (b) of the Act of May 29, 1930, as amended,
4 is amended by inserting, immediately following *the word*
5 *“employees” where it appears at the end of the first pro-*
6 viso, the following: “~~except that:~~ *Provided further, That*
7 no such interest shall be allowed on any separation unless the
8 service covered thereby aggregates more than one year”.

Passed the House of Representatives April 17, 1944.

Attest:

SOUTH TRIMBLE,

Clerk.

78TH CONGRESS
2^D SESSION

H. R. 4292

[Report No. 814]

AN ACT

To amend section 12 (b) of the Act of May 29,
1930, as amended.

APRIL 18 (legislative day, APRIL 12), 1944
Read twice and referred to the Committee on
Civil Service

APRIL 28 (legislative day, APRIL 12), 1944
Reported with amendments

the regulation of the business of insurance with the several States.

"The State of Arizona receives from its insurance premium tax law, and from fees for the licensing of insurance companies and insurance agents, an average, based on the revenue during the last 5 years, of more than a quarter of a million dollars annually, such proceeds during the year 1943 amounting to \$305,643.74.

"Insurance business in this State is highly competitive. There are at present authorized to do business 143 stock fire companies, 7 mutual fire companies, 1 reciprocal fire company, 31 stock life insurance companies, 8 mutual life insurance companies, 89 miscellaneous stock companies, 10 miscellaneous mutual companies, and 3 miscellaneous reciprocal companies. In the year 1943, 4,627 individual insurance agents were licensed.

"A large portion of the premium tax collected from fire insurance companies is set aside under the law for the benefit of the firemen's pension fund.

"Fire insurance rates are determined primarily by local conditions, particularly the availability of water supply, fire fighting equipment, and the efficiency of fire departments, all matters peculiarly within the jurisdiction of State and local agencies.

"By developing safety factors under State regulation, the fire insurance rates in Arizona were reduced 53.6 percent between the years 1926 and 1942.

"Should the regulation of insurance companies be withdrawn from the States such action would result in (a) the loss of a large amount of revenue now paid to the State of Arizona, requiring an increase in taxes upon other properties to supply such deficiency; (b) further encroachment by the Federal Government on the prerogatives of the State and the withdrawing from State regulation of a matter which can most practically be regulated by State and local agencies; (c) placing under Federal regulation the business and means of livelihood of at least 4,627 citizens of Arizona now actively engaged in the insurance business; (d) destruction of the premium and rate structure built up over the years by competitive methods, which has resulted in a decrease in fire insurance rates in this State of 53.6 percent.

"Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the Congress speedily enact the bills H. R. 3269, H. R. 3270, and S. 1362."

A concurrent memorial of the Legislature of Arizona; ordered to lie on the table:

"House Concurrent Memorial 1

"Concurrent memorial requesting Congress to enact the proposed bill of rights for men and women in the armed services

"To the Congress of the United States:

"Your memorialist respectfully represents:

"There are now approximately 10,000,000 persons in the armed forces of the United States.

"The Nation owes these men and women an eternal debt of gratitude, a debt which can never fully be repaid, but the Government can, however inadequately, evidence its appreciation of their services by making the transition period less difficult.

"It is therefore incumbent upon the Nation to make some provision for these service men and women.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

"1. That the Congress of the United States promptly enact S. 1617, by Senator CLARK and others, and H. R. 3917, by Representative RANKIN and others, which embody the program of the American Legion, known as the bill of rights for men and women now in the armed services.

"Passed by the house, March 15, 1944.

"Passed by the senate, March 16, 1944.

"Approved by the Governor, March 20, 1944.

"Filed by the secretary of state, March 20, 1944."

Petitions of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation to extend the Office of Price Administration, and also for an immediate roll-back of prices; to the Committee on Banking and Currency.

Resolutions adopted by Santa Monica Bay District Central Labor Council, of Santa Monica, Calif., and the National Maritime Union of America, of Charleston, S. C., favoring the adoption of measures to establish a Nation-wide broadcast of congressional proceedings to the Committee on Rules.

By Mr. McFARLAND:

A joint memorial of the Legislature of Arizona; to the Committee on Education and Labor:

"House Joint Memorial 1

"Memorial relating to the removal of temporary war housing in Arizona to rural areas

"To the Congress of the United States and to the United States Senators and Congressmen from the State of Arizona:

"Your memorialist respectfully represents:

"A large number of temporary housing units have been constructed in many localities in Arizona and are being administered by the Federal Public Housing Authority in connection with war activities in this State.

"When such war activities are terminated, continued operation of such housing in these localities by the Federal Public Housing Authority will depress the real-estate market and have a detrimental effect upon private home-building enterprise.

"There exists in certain rural areas in the State a distinct need for improved housing facilities for farmers with small incomes and for farm labor.

"Removal of such housing administered by the Federal Public Housing Authority to such rural areas and availability thereof to such farmers and farm labor through the media of authorized local authorities would be in the interest of the State and of the Federal Government.

"It is a matter of State concern that the removal and disposition of the temporary housing constructed and administered by the Federal Public Housing Authority for war purposes be effected in a manner designed to protect private enterprise and to effectuate the public purpose of making such housing available to such farmers and farm labor within this State.

"Wherefore your memorialist, the Legislature of the State of Arizona, prays:

"That the Congress authorize the removal of such housing, when no longer essential to the war effort, through the medium of, or by sale or other disposition to, the State of Arizona or to appropriate local public agencies in the State of Arizona, for the purpose of making such housing available to farmers of small income and to farm labor in the State of Arizona, who are in need of improved housing facilities.

"Passed by the house, March 15, 1944.

"Passed by the senate, March 15, 1944.

"Approved by the Governor, March 17, 1944."

(The VICE PRESIDENT also laid before the Senate a memorial identical with the foregoing, which was referred to the Committee on Education and Labor.)

VETERANS' BENEFITS—RESOLUTION BY AMERICAN LEGION, DEPARTMENT OF MARYLAND

Mr. TYDINGS. Mr. President, I ask unanimous consent to present a resolution adopted by the American Legion, Department of Maryland, relating to Senate bill 1767, the so-called G. I. bill

of rights. I request that the resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

The department commander, the grande chef de gare, five department vice commanders, and the commanders, adjutants, and membership chairmen of 101 posts of the Department of Maryland, assembled at the War Memorial Building, Baltimore, Md., on Sunday, April 23, 1944, for the annual membership round-up, respectfully request Congressman JOHN E. RANKIN, chairman of the Veterans' Legislation Committee, to immediately report the G. I. bill of rights—Senate 1767—to the House floor, and any controversial sections be submitted to the Members of the House so that this bill may be enacted into law before May 30, 1944, as a tribute to the memory of all the men and women who have given their lives for the preservation of our country, and further that a copy be sent to the senior Senator from Maryland, the Honorable MILLARD E. TYDINGS; and the senior Representative of the Maryland delegation, the Honorable THOMAS D'ALESSANDRO, for insertion in the CONGRESSIONAL RECORD.

CONTROL OF MISSOURI RIVER FLOODS—RESOLUTION BY CITY COUNCIL OF OMAHA, NEBR.

Mr. BUTLER. Mr. President, I ask unanimous consent to present for printing in the RECORD and appropriate reference a resolution adopted by the city council of Omaha, Nebr.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

CITY OF OMAHA COUNCIL CHAMBER, Omaha, Nebr., April 18, 1944.

Whereas during the last few days, Omaha and the surrounding territory, on both sides of the Missouri River, has witnessed the return of destructive spring floods; and

Whereas many thousands of acres of valuable productive land and many homes have been inundated by this catastrophe, and millions of dollars needlessly lost; and

Whereas to permit the continuance of such great waste, with the consequent great reduction in crop production during this period of world conflict and food shortages, cannot but seriously retard America's conduct of the global war in which we are now engaged; and

Whereas a definite and effective plan, known as the Pick plan, for the control of the Missouri River and has been adopted and laid before Congress for its approval, and for the allotment of funds for the work it advised; and

Whereas further delay in placing such plan into effect would be neither economically sound nor patriotically wise: Now, therefore, be it

Resolved by the City Council of the City of Omaha, That it is the sense of the City Council of the City of Omaha that the Congress of the United States should approve this plan with amendments to provide for immediate flood control without further delay, allot the necessary funds therefor, and order the immediate commencement of flood-control work thereunder, so that the needless destruction of farms and other properties, can be brought to an early and definite end; be it further

Resolved, That the city clerk be, and he is hereby, ordered and directed to transmit certified copies of this resolution to all Nebraska Senators and Congressmen and to such others of adjoining States as may seem advisable.

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the city clerk's office.

M. J. DINEEN, Jr.,
City Clerk.

LIMITATIONS ON THE SALE, TRANSPORTATION, AND USE OF CORN

Mr. BUTLER. Mr. President, I also ask unanimous consent to present for printing in the RECORD and appropriate reference copy of a letter addressed by Harry B. Coffee, president of the Union Stock Yards Co., of Omaha, to Hon. Chester Bowles, Director of Price Administration, together with a resolution adopted by livestock feeders of the Omaha, Nebr., market territory.

There being no objection, the letter, together with the resolution were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNION STOCK YARDS CO.,
OF OMAHA, LTD.,
Omaha, Nebr., April 26, 1944.

Hon. CHESTER BOWLES,
Director of Price Administration,
Washington, D. C.

DEAR SIR: The enclosed resolution expresses the sentiment of the livestock producers in this area on the "corn freeze" order which is disrupting and congesting the livestock markets and is causing further confusion and discouragement among the livestock producers.

Livestock feeders in the restricted area are unable to purchase corn necessary to complete their feeding operations. Others who have cattle and lambs contracted to put in their feedlots, find their contracts for corn have been canceled by the order and they are left in a serious dilemma.

What is to be done with the thousands of thin cattle and lambs that must go to the feed lots to be fattened before they are slaughtered? The principal meat-producing area in America is now confronted with an order that will drastically curtail meat production.

It would have been a simple matter to secure the necessary corn supply for the designated essential corn processors. The O. P. A. could allow the designated processors to pay a couple of cents premium per bushel in the open market for their corn. This would keep them supplied with available corn from surplus areas. The O. P. A. permitted California for more than 60 days this winter to pay a premium that drained this area of millions of bushels of corn. No one could object to this plan which would facilitate the movement of corn to the essential war industries.

The present W. F. A. Order No. 98 disrupts the entire economy in the restricted area and will seriously retard meat production. Under existing regulations the feed lots are being emptied and a beef shortage is certain within the next 60 days.

Hoping you will use your influence to correct this situation, I am,

Yours sincerely,

HARRY B. COFFEE,
President.

While livestock feeders of the Middle West are cognizant of the need for corn in the Nation's essential war industries, and they are desirous of seeing that such necessary supplies are obtained immediately, at the same time they feel that all commercial corn-producing areas should contribute their proportionate share of those supplies.

War Food Administration Order No. 98, Limitations on Sale, Transportation, and Use of Corn, requires, except as provided in the order, that all corn in the 125 designated counties be sold to the account of the Com-

modity Credit Corporation. The 125 designated counties represent the largest meat-producing counties in the United States.

The provisions of this order not only will curtail the continued production of meat, it will require the immediate marketing of livestock, due to the inability of feeders to secure needed supplies of corn, because the livestock feeder will be unable to compete with the Commodity Credit Corporation in the purchase of corn: Therefore be it

Resolved—

1. That War Food Administration Order No. 98, entitled "Limitations on the Sale, Transportation, and Use of Corn," be amended to provide that all commercial corn-producing counties be placed on the same basis as the 125 restricted counties and called upon to share in the contribution to the essential commercial corn processors.

2. That livestock feeders in the restricted area be accorded a priority on corn second only to the processors of essential war materials, and that the permits issued by the county A. A. A. committees to livestock feeders be acceptable for the purchase of corn held by elevators for the account of the Commodity Credit Corporation on the same basis as purchases are made by the corn processors.

3. That a reasonable percentage of the corn delivered to the elevators for the account of the Commodity Credit Corporation be set aside to meet the immediate essential needs of the livestock feeders in the restricted area.

4. That corn from the essential meat-producing area be drawn upon only after every effort has been made to obtain supplies nearest the location of the essential corn processors.

5. That so long as it is available wheat be used in the production of alcohol.

6. That this W. F. A. Order No. 98 be repealed just as soon as necessary supplies of corn to be used by the essential industries have been obtained.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHIPSTEAD, from the Committee on Indian Affairs:

S. 873. A bill to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians; without amendment (Rept. No. 808); and

S. 1081. A bill to add certain lands to the Upper Mississippi River Wild Life and Fish Refuge; without amendment (Rept. No. 809).

By Mr. WHEELER, from the Committee on Indian Affairs:

H. R. 2105. A bill extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians; without amendment (Rept. No. 810).

By Mr. McFARLAND, from the Committee on Indian Affairs:

H. R. 2143. A bill to authorize the Secretary of the Interior to exchange certain lands within the Navajo Indian Reservation, Ariz.; without amendment (Rept. No. 811).

By Mr. DOWNEY, from the Committee on Civil Service:

S. 198. A bill to amend further section 2 of the Civil Service Retirement Act, approved May 29, 1930, as amended; with amendments (Rept. No. 812);

S. 1481. A bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; with an amendment (Rept. No. 813);

H. R. 4292. A bill to amend section 12 (b) of the act of May 29, 1930, as amended; with amendments (Rept. No. 814); and

H. R. 4320. A bill relating to the computation of interest on contributions to the civil service retirement fund returned to employees upon their separation from the service; with amendments (Rept. No. 815).

By Mr. MEAD, from the Committee on Civil Service:

S. 1705. A bill to provide night differential for certain employees; without amendment (Rept. No. 816).

By Mr. GEORGE, from the Committee on Finance:

S. 1419. A bill to authorize collectors of internal revenue to receive cashier's checks of certain banking institutions in payment for revenue stamps; with an amendment (Rept. No. 817).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. 267. A bill relating to marriage and divorce among members of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians; with an amendment (Rept. No. 823);

S. 338. A bill for the relief of the Indians of the Fort Berthold Reservation in North Dakota; without amendment (Rept. 818);

S. 845. A bill to define the exterior boundaries of the Warm Springs Indian Reservation in Oregon, and for other purposes; with amendments (Rept. No. 826);

S. 1240. A bill to authorize payment to certain enrolled members of the Seminole Tribe of Indians under act of July 2, 1942 (Public. No. 645, 77th Cong.); with amendments (Rept. No. 824);

S. 1580. A bill to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California; without amendment (Rept. No. 819);

S. 1597. A bill to amend section 1, act of June 29, 1940 (54 Stat. 703), for the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes; with amendments (Rept. No. 827);

S. 1710. A bill to authorize the sale and conveyance of certain property of the estate of Jackson Barnett, deceased Creek Indian; without amendment (Rept. No. 820);

S. 1847. A bill to provide for the payment of attorneys' fees from Osage tribal funds; without amendment (Rept. No. 821);

S. 1848. A bill for the relief of Claude R. Whitlock, and for other purposes; with an amendment (Rept. No. 825); and

H. R. 329. A bill to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor; without amendment (Rept. No. 822).

S. Res. 243. Resolution further continuing the authority for a general survey of the condition of Indians in the United States; without amendment (Rept. No. 828), and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

By Mr. ELLENDER, from the Committee on Claims:

S. 1501. A bill for the relief of the Rau Motor Sales Co.; without amendment (Rept. No. 831);

S. 1605. A bill for the relief of Mr. and Mrs. John Borrego and Mr. and Mrs. Joe Silva; with amendments (Rept. No. 830);

S. 1731. A bill for the relief of Helen Halverson; with an amendment (Rept. No. 829); and

H. R. 2711. A bill for the relief of Mrs. Mildred Maag; with an amendment (Rept. No. 834).

By Mr. ROBERTSON, from the Committee on Claims:

H. R. 2008. A bill for the relief of Mrs. Mae Scheidel, Mr. Fred Scheidel, Mr. Charles Totten, and Miss Jean Scheidel; without amendment (Rept. No. 833);

H. R. 2303. A bill for the relief of O. W. James; with an amendment (Rept. No. 835); and

H. R. 3114. A bill for the relief of Ruth Coe; without amendment (Rept. No. 832).



MISSISSIPPI RIVER BRIDGE AT SAUK RAPIDS, MINN.

The bill (H. R. 3028) to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn., was considered, ordered to a third reading, read the third time, and passed.

CHRISTIAN WENZ

The bill (H. R. 2332) for the relief of Christian Wenz was considered, ordered to a third reading, read the third time, and passed.

MARGARET HAMILTON AND OTHERS

The bill (H. R. 2757) for the relief of Margaret Hamilton, Mrs. Catherine Higgins, Mrs. Rebecca Sallop, and Mrs. Dora Projansky was considered, ordered to a third reading, read the third time, and passed.

JOHN HIRSCH

The bill (H. R. 1628) for the relief of John Hirsch was considered, ordered to a third reading, read the third time, and passed.

BERNADINE SALMONS

The bill (H. R. 2438) for the relief of Bernadine Salmons was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF GERTRUDE MULLINS

The bill (H. R. 2472) for the relief of the estate of Gertrude Mullins was considered, ordered to a third reading, read the third time, and passed.

FRANK ROBERTSON

The Senate proceeded to consider the bill (S. 1572) for the relief of Frank Robertson, which had been reported from the Committee on Claims, with amendments, on page 1, line 6, after the words "sum of", to strike out "\$50, together with interest thereon at the rate of 4 percent per annum, compounded annually, from February 20, 1919, to the date of payment," and insert "\$86.13"; in line 10, after the figures "\$50", to insert "Fourth", and, after the word "Liberty", to insert "Loan"; and on page 2, line 2, after the words "to him", to insert "with interest at the rate of 4¼ percent from date of issue, October 24, 1918, to October 15, 1935, the final redemption date of bonds of said Fourth Liberty Loan."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Robertson, of Portland, Oreg., the sum of \$86.13, in full satisfaction of his claim against the United States for payment on account of a \$50 Fourth Liberty Loan bond which he purchased and paid for through the disbursing office at the United States Navy Yard, Puget Sound, Wash., but which was never delivered to him, with interest at the rate of 4¼ percent from date of issue, October 24, 1918, to October 15, 1935, the final redemption date of bonds of said Fourth Liberty Loan: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this

claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RECOVERY OF PAYMENTS UNDER CIVIL SERVICE RETIREMENT ACT

The bill (S. 461) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, was announced as next in order.

The ACTING PRESIDENT pro tempore. Calendar No. 860, House bill 1475, is an identical bill. Without objection, the House bill will be substituted for the Senate bill, and will be considered at this time.

There being no objection, the bill (H. R. 1475) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 461 will be indefinitely postponed.

DISPOSITION OF TRIBAL FUNDS OF MINNESOTA CHIPPEWA TRIBE OF INDIANS

The bill (S. 873) to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any other provision of law, the tribal funds now on deposit or hereafter placed to the credit of the Minnesota Chippewa Tribe of Indians, in the United States Treasury, shall be available for such purposes as may be designated by the tribal council of said tribe and approved by the Secretary of the Interior.

ADDITION OF CERTAIN LANDS TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The bill (S. 1081) to add certain lands to the Upper Mississippi River Wild Life and Fish Refuge was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to acquire, for and as part of the Upper Mississippi River Wild Life and Fish Refuge, established pursuant to the authority contained in the act of June 7, 1924 (43 Stat. 650), as amended, those tracts of land situated in Wabasha County, Minn., described as lots 6 and 10, section 19, township 110 north, range 9 west, fifth principal meridian, containing approximately one hundred ten and twenty-four one-hundredths acres, which tracts of land were acquired pursuant to authority contained in the acts of June 29, 1888 (25 Stat. 228), and March 2, 1889 (25 Stat. 992), for Indian use, but are no longer used by Indians.

SEC. 2. In order to carry out the provisions of section 1 hereof, the sum of \$1,261.20 from funds heretofore made available to the Fish and Wildlife Service for the purchase of lands for the Upper Mississippi River Wild Life and Fish Refuge is hereby made available for transfer on the books of the Treasury of the United States to the credit of the Medawakanton and Wahpakoona Bands of Sioux Indians, pursuant to the provisions of the act of May 17, 1926 (44 Stat. 560), and said sum, when so transferred, shall operate as

a full, complete, and perfect extinguishment of all their right, title, and interest in and to the lands above described, and shall be subject to disbursement under the direction of the Secretary of the Interior for the benefit of the Medawakanton and Wahpakoona Bands of Sioux Indians. Where groups of such Indians are organized as tribes under the act of June 18, 1934 (48 Stat. 984), the Secretary of the Interior may set apart and disburse for their benefit and upon their request a proportionate part of said sum, based on the number of such Indians so organized.

REPAYMENT AND INCREASE OF CROW INDIAN REVOLVING FUND

The bill (H. R. 2105) extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians was considered, ordered to a third reading, read the third time, and passed.

EXCHANGE OF LANDS WITHIN NAVAJO INDIAN RESERVATION, ARIZ.

The bill (H. R. 2143) to authorize the Secretary of the Interior to exchange certain lands within the Navajo Indian Reservation, Ariz., was considered, ordered to a third reading, read the third time, and passed.

ELIMINATION OF PAYMENT OF INTEREST ON REFUND CLAIMS

The Senate proceeded to consider the bill (H. R. 4292) to amend section 12 (b) of the act of May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with amendments, on page 1, line 4, after the word "following", to insert the words "employees" where it appears at the end of"; and in line 6, after the word "following" and the colon, to strike out "except that" and insert a colon and the words "*Provided further, That,*"

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMPUTATION OF INTEREST ON CONTRIBUTIONS TO CIVIL-SERVICE RETIREMENT FUND

The Senate proceeded to consider the bill (H. R. 4320) relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service, which had been reported from the Committee on Civil Service, with amendments, on page 1, line 7, after the word "month", to insert "in the total service of an officer or employee"; in line 8, after the word "disregarded", to strike out "unless it amounts to more than half a month, in which case it shall be considered as a full month."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RIGHTS OF BENEFICIARIES OF REEMPLOYED ANNUITANTS UNDER CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (S. 198) to amend further section 2 of the Civil Service Retirement Act, ap-

proved May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with amendments, on page 2, line 5, after the words "from the", to strike out the word "basic"; in line 6, after the word "employee", to strike out "a sum equal to the", and insert "at each pay period a proportionate amount of the annual"; in line 9, after the word "annuity", to strike out "received", and insert "elected"; and after line 12, to insert a new section, as follows:

Section 2. The amendment made by the first section of this act shall be effective as of January 1, 1940.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, I send to the desk an amendment which I offer and ask to have stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "receiving", it is proposed to insert "or had located and was otherwise entitled to."

Mr. LA FOLLETTE. Mr. President, I have discussed this amendment with the Senator from California [Mr. DOWNEY], who is chairman of the committee, and I have also discussed it with the retirement authorities. I think the amendment is agreeable to both.

Mr. DOWNEY. Yes; it is.

Mr. LA FOLLETTE. I think it carries out the intent of the bill, as it was reported from the committee, but adds one category which obviously should be taken care of.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That paragraph (b) of section 2 of the Civil Service Retirement Act approved May 29, 1930, as amended, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a colon and adding the following: "Provided, however, That nothing in this act shall be so construed as to affect the rights of the annuitant's beneficiary if the annuitant has been receiving, or had located and was otherwise entitled to a reduced annuity under section 4 (d) and dies while so reemployed or within 30 days after the termination of his reemployment, but all such rights shall continue and may be enforced in the same manner as if the annuitant had not been reemployed: And provided further, That during such reemployment there shall be deducted and withheld from the salary, pay, or compensation of such employee at each pay period a proportionate amount of the annual difference between the life annuity to which the employee would have been entitled and the reduced annuity elected by the employee. The amounts so deducted and withheld shall be deposited in the Treasury of the United States to the credit of civil service retirement and disability fund."

SEC. 2. The amendment made by the first section of this act shall be effective as of January 1, 1940.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (S. 1481) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with an amendment on page 2, line 3, after the word "that", to strike out "where such annuity is payable on account of the same disability for which compensation under such section of said act of September 7, 1916, has been paid," so as to make the bill read:

Be it enacted, etc., That section 6 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is hereby amended by adding at the end thereof the following paragraph:

"Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, except that so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the United States Employees' Compensation Commission, shall be refunded to the United States Employees' Compensation Commission, to be covered into the Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to such Commission the amount representing such computed payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this act, which amount shall be transmitted to such Commission for reimbursement to such fund. Deduction from such annuity may be made from accrued and accruing annuity payments, or may be prorated against and paid from accruing payments in such manner as the Employees' Compensation Commission shall determine, whenever it finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NIGHT DIFFERENTIAL FOR CERTAIN EMPLOYEES

The bill (S. 1705) to provide night differential for certain employees was announced as next in order.

The ACTING PRESIDENT pro tempore. Calendar No. 899, House bill 3891, is an identical bill. Is there objection to the consideration of the House bill?

There being no objection, the bill (H. R. 3891) to provide night differential for certain employees, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 1705 will be indefinitely postponed.

Mr. MEAD subsequently said: Mr. President, earlier today House bill 3891 was passed. I regret I was not present when the bill was substituted for Senate bill 1705, Calendar No. 828, and passed. I have been authorized by the Civil Service Committee to present a clarifying

and corrective amendment. The amendment is at the desk, but I was not in the Chamber when the bill was considered and passed. So, I now ask that the vote by which House bill 3891 was passed be reconsidered in order that I may offer an amendment to it.

The ACTING PRESIDENT pro tempore. Without objection, the vote by which the bill was passed is reconsidered, and the amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 1, in line 5, after the word "paid", it is proposed to insert a comma and the following: "In respect of their regular workweek of 40 hours and except when in leave."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 3891) was read the third time and passed.

BILL PASSED OVER

The bill (S. 1419) to authorize collectors of internal revenue to receive cashiers' checks of certain banking institutions in payment for revenue stamps was announced as next in order.

Mr. BARKLEY. Mr. President, at the request of the Senator from Florida [Mr. PEPPER], the author of the bill, I ask that it be passed over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

INDIANS OF THE FORT BERTHOLD RESERVATION IN NORTH DAKOTA

The bill (S. 338) for the relief of the Indians of the Fort Berthold Reservation in North Dakota was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000, in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappeler's Laws and Treaties, vol. 2, p. 1052): *Provided*, That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: *Provided further*, That not to exceed 5 percent of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

DISPOSITION OF CERTAIN NONRESERVA- TION INDIAN LANDS, SHERMAN INSTI- TUTE, CALIFORNIA

The bill (S. 1580) to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized in his dis-

NIGHT DIFFERENTIAL FOR CERTAIN EMPLOYEES

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3891) to provide night differential for certain employees, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 6, after "paid", insert "in respect of their regular workweek of 40 hours and except when in leave status."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain this amendment?

Mr. RAMSPECK. The effect of this amendment is to make certain that the night differential applies only to the basic pay for 40 hours, and does not apply to the overtime which is now being paid under the War Overtime Act.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Senate amendment was agreed to. A motion to reconsider was laid on the table.

PREFERENCE EMPLOYMENT FOR VETERANS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4115) to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed, with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 7, strike out "honorably" and insert "on active duty."

Page 2, line 8, after "States", insert "and have been separated therefrom under honorable conditions and."

Page 2, lines 13 and 14, strike out "and the husbands of such service-connected disabled ex-servicewomen."

Page 2, line 17, strike out "honorably" and insert "on active duty."

Page 2, line 20, strike out all after "authorized)", down to and including "ex-servicewomen" in line 25 and insert "and who were separated therefrom under honorable condition."

Page 2, line 25, and page 3, line 1; strike out "honorably discharged."

Page 3, line 1, after "served", insert "on active duty."

Page 3, line 4, after "authorized)", insert "and have been separated therefrom under honorable conditions."

Page 4, lines 14 and 15, strike out "in the service of the United States."

Page 5, line 5, after "of", insert "a."

Page 8, line 15, strike out "rating" and insert "ratings."

Page 11, line 11, after "eligibles", insert "except of 10-point preference eligibles."

Page 12, line 19, after "apply", insert "to any position in or under the legislative or judicial branch of the Government or."

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this seems like rather extended Senate amendments. Will the gentleman please explain the effect of those amendments?

Mr. RAMSPECK. This is the veterans' preference bill, which was passed in the House and in the Senate without a dissenting vote, as far as I recall, except one vote in the House.

The only substantive amendment made by the Senate was to eliminate the provision of the bill which would have given preference to widowers of women who served in the armed services. The other amendments are technical amendments. Where the House bill read "honorably discharged" the Senate substitutes "served under honorable conditions."

Mr. MARTIN of Massachusetts. The Senate amendment eliminates the preference for widowers of women in the armed services?

Mr. RAMSPECK. Yes. These amendments were considered by the Civil Service Committee.

Mr. MARTIN of Massachusetts. Is that a proper amendment to consider the day after Father's Day?

Mr. RAMSPECK. There was some difference of opinion about that in the committee. The gentleman from Indiana [Mr. LAFOLLETTE] made very vigorous defense of his amendment. The majority of the committee thought we should get through with this bill and accept the Senate amendments.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, is this an amendment to the bill that is supposed to give preference to returning veterans?

Mr. RAMSPECK. That is correct.

Mr. HOFFMAN. I notice the returning veterans have to get cards under these security-of-membership contracts in order to hold a job. They may have to pay the C. I. O. Political Action Committee that dollar for political purposes unless we take proper action. Is there anything in there that will exempt the boys from that?

Mr. RAMSPECK. This bill relates to Government service only. No Government employee is ever required to join a union or pay any dues to a union.

Mr. HOFFMAN. But where they have Government money on these war contracts they have to come across. Does not this apply to that at all?

Mr. RAMSPECK. This does not apply to that at all.

Mr. HOFFMAN. You mean you just give the veterans preference in Government jobs?

Mr. RAMSPECK. That is all this bill does.

Mr. HOFFMAN. How do you distinguish between Government jobs and jobs which have Government money?

Mr. RAMSPECK. The Civil Service Committee has no jurisdiction over the question the gentleman has raised.

Mr. HOFFMAN. The President has this railroad out there in Illinois. He has had it for a couple of years. Do the veterans have preference for jobs on that? They should have.

Mr. RAMSPECK. No; they are not civil-service employees.

Mr. HOFFMAN. I would like to know, if we can, who is contributing to that political fund.

The SPEAKER. Now, if these matters are going to take time they will simply have to go over.

Mr. HOFFMAN. Then I think we ought to take some time and consider them.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HOFFMAN. I think I will object for the present. The veterans should be taken care of, not required to pay for jobs.

The SPEAKER. Objection is heard.

AMENDING SECTION 12 (b) OF THE ACT OF MAY 29, 1930

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4292), an act to amend section 12 (b) of the act of May 29, 1930, as amended, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Line 4, after "following" insert "the word 'employees' where it appears at the end of."

Line 5, strike out "except that" and insert "Provided further, That."

Mr. RAMSPECK. I also offer an amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. RAMSPECK. This is only a technical amendment. The Senate put in the word "employees", instead of "employee"; and I am offering the amendment to change that.

The other Senate amendment makes no change in the substance of the act at all; it is just language.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate amendments, as follows:

Line 4, after "following", insert "the word 'employees' where it appears at the end of."

Line 5, strike out "except that" and insert "Provided further, That."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: Amend the amendment of the Senate No. 1 by striking out the word "employees" and inserting in lieu thereof the word "employee."

The amendment was agreed to.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

COMPUTATION OF INTEREST ON CONTRIBUTIONS TO CIVIL-SERVICE RETIREMENT FUND RETURNED TO EMPLOYEES UPON THEIR SEPARATION FROM THE SERVICE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4320) relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service, with Senate amendments, and agree to the Senate amendments.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, may we have an explanation?

Mr. RAMSPECK. These amendments do not change the effect of the bill at all.

Mr. MARTIN of Massachusetts. They make no change in the text?

Mr. RAMSPECK. No.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate amendments, as follows:

Line 7, after "month", insert "in the total service of an officer or employee."

Line 7, strike out all after "disregarded" down to and including "month" in line 9.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OF MISSING PERSONS ACT OF MARCH 7, 1942

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4405) to amend the act approved March 7, 1942 (Public Law 490, 77th Cong.), as amended, so as to more specifically provide for pay, allotments, and administration pertaining to war casualties, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, do I understand this is the bill that provides that the pay of persons missing in action shall be continued until their fate is determined?

Mr. VINSON of Georgia. Mr. Speaker, this is an administrative amendment clarifying the Missing Persons Act.

Mr. MARTIN of Massachusetts. How does it clarify it?

Mr. VINSON of Georgia. It clarifies it in a great many respects; for instance, in reference to civil employees of a department, it defines what constitutes a civil employee of the department instead of a temporary employee or an hourly employee. It also permits a department to determine that the death of an employee occurred on the day it happened instead of the date on which they get the report of the death.

The bill is unanimously recommended by the Navy Department, the War Department, and is reported by the Naval Affairs Committee with a very magnificent report prepared by the gentleman from Massachusetts [Mr. BATES].

Mr. MARTIN of Massachusetts. Was the action of the committee unanimous?

Mr. VINSON of Georgia. It was reported unanimously. If there are any

questions, I ask that the gentleman from Massachusetts [Mr. BATES] explain them.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman from Massachusetts yield that I may ask a question?

Mr. MARTIN of Massachusetts. I yield.

Mr. ROBSION of Kentucky. I have a number of people from my district who have been carried as missing in action for more than 2 years in this war. They get the same report all the time, with nothing done about it. Their parents are carrying insurance, and so on, and supporting the dependents. Is there anything in this bill that would bring about a quicker determination so that persons, such as I refer to, who are lost in battles at sea in the Pacific will not be just carried as "missing in action"?

Mr. BATES of Massachusetts. Mr. Speaker, the very purpose of the bill, of course, is more specifically to provide for pay, allotments, and administration pertaining to war casualties. It has no direct relation to the question raised by the gentleman from Kentucky except to provide that where a man is missing for more than a year the Department, unless they have some evidence that the man may be alive, determines that he is dead. If, however, there is some doubt in the mind of the Department that the man be dead—and that may be the case to which the gentleman from Kentucky [Mr. Robsion] refers—they continue him on the pay roll until such time as they reasonably feel that the man is dead. A finding of presumptive death is then entered.

The War Department and the Navy Department have received reports of men who have been prisoners in Japan for a period as long as 24 months.

Mr. ROBSION of Kentucky. But in these cases where the men were killed in actual battle, at Guadalcanal and other places in the Pacific—

Mr. BATES of Massachusetts. I can speak with some knowledge of that situation because I had a member of my own family killed at Guadalcanal. It was several months after he and some of his comrades were killed before actual notice of his death came to the Navy Department.

Mr. ROBSION of Kentucky. The men I have in mind were killed in 1942, and no action has been taken yet.

Mr. BATES of Massachusetts. Where the determination can be made by the Department it is being made as rapidly as possible. Where there is doubt about a man's death they continue him in a missing status.

The purpose of this bill is to amend Public Law 490 of the Seventy-seventh Congress so as to more specifically provide for pay allotments and administration pertaining to war casualties.

The object of these amendments is to clearly define and prescribe more equitable periods of entitlement to pay and allowances of persons within the purview of the act; adjustment of accounts of such persons in connection with their pay and allowances and allotments; to eliminate questions of inequitable recoveries; and to confer and clarify departmental authority to make conclusive

determinations required for effective and equitable administration.

More than 2 years have now passed since the basic act was passed by Congress, and during this period of 2 years there have been unusual developments in the extent and character of land, sea, and air operations. There have been unanticipated situations and circumstances surrounding the absences of personnel and pertaining to the fiscal entitlements of absent and deceased personnel and their dependents.

To meet the present anticipated conditions during the war and post-war period, there is a need of a more definite fixing of responsibility upon the War and Navy Departments, along with authority to meet these responsibilities by prompt and conclusive determinations. There is also a need for clear and equitable provisions for the guidance of the Departments and of the accounting officers in such matters as entitlement to pay and allowances, payment of allotments, collection of overpayments, preparation and settlement of accounts.

This bill is designed to meet such needs as have arisen and as are anticipated in such manner as to insure the considerate and equitable treatment by their Government of those citizens who, as either members of the armed forces or as dependents of such members, suffer the hazards of war conveyed by now familiar terms, such as missing in action, prisoner of war, killed in action.

The basic act has been very effective in wartime casualty administration. It was to a large extent based upon more or less normal war experiences, and upon the expectation that our enemies would observe international agreements and conditions. It was enacted in the early days of the war; the Battle of the Java Sea had just been fought; Bataan and Corregidor were still holding.

With more than 2 years of experience in the administration of the basic act the departments have had ample opportunity to consider desirable and necessary changes based upon unusual developments in the extent and character of the present war. The departments are now fully cognizant of the changing problems involved in casualty administration. Long delays must be expected in receiving reports of prisoners of war. Belated reports of casualties will arise in many cases.

H. R. 4405, if enacted, would do away with certain inequities which have arisen; would enable the departments effectively and equitably to meet the conditions of the war which have developed. In general, this bill amends the Missing Persons Act by making certain necessary clarifications; by more definitely prescribing entitlements in regard to pay and allowances, allotments of pay, and the accounts of missing or deceased persons. It confers the necessary authority for the administrative and conclusive departmental determinations which are required for effective and equitable administration.

Section 1 of the bill amends section 1 of the act by redefining the term "civilian employee" of a department for the purposes of the act, by adding to the present

The bill is before the Senate and open to further amendment.

Mr. REVERCOMB. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, after line 20, it is proposed to insert the following new subdivision:

The service court of any friendly foreign force, as herein defined, is hereby authorized to exercise its jurisdiction within the territorial limits of the United States during the continuance of the present hostilities, and six months thereafter.

Mr. REVERCOMB. Mr. President, the language of the amendment merely states that the United States Government recognizes the service courts of friendly foreign nations, and that it will permit them to exercise such jurisdiction as they now have within the territories of this country. The amendment is so framed and phrased as to avoid the use of "exclusive" jurisdiction, although such right has been given us by the British Government.

Considerable objection was voiced to the idea of exclusive jurisdiction in the service courts, and therefore the word "exclusive" has not been used in the amendment. The amendment is merely declaratory by the Congress of law which we are advised by the State Department exists, and which, under the decisions of the Supreme Court of this country, we know to exist, with reference to a friendly army quartered in this country or while passing through it. Therefore, Mr. President, the amendment is merely an expression of the rule as the Government of this country has recognized it to exist under international law. If we are to enact legislation on the subject, let us be specific about it and tell the foreign service courts of friendly nations which have forces in this country that they may exercise within the territories of the United States such jurisdiction as they have with our consent.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. MURDOCK. The only observation which I wish to make is this: The amendment offered by the Senator from West Virginia is an affirmative authorization of jurisdiction. That very proposal was presented to the Judiciary Committee and was voted down. All the pending bill would do would be to implement whatever jurisdiction the service courts bring with them. The agencies of our Government which are interested in the proposed legislation, and are sponsoring it as the result of an exchange of notes between our Ambassador and Mr. Eden, are taken care of, in my opinion, by the bill before us, which implements whatever jurisdiction may reside in the service courts.

In the act passed by Parliament there were no affirmative grants or jurisdiction to our courts. There was merely a prohibition of jurisdiction on the part of the criminal courts of Great Britain.

In my opinion, the amendment of the Senator from West Virginia should be voted down and the bill as now amended should be passed.

Mr. REVERCOMB. Mr. President, I can only point out to the Senate that if the language of my amendment does not represent the attitude of the Government, and if it does not provide what the foreign service courts should have, then what are we implementing? We are implementing acts dealing solely with the arrest of offenders, and the summoning of witnesses. Nothing is said in the entire bill about recognizing the right of a friendly foreign service court to exercise its jurisdiction in this country. For the benefit of Senators who were not present during the discussion had earlier in the day—

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. REVERCOMB. I will yield in a moment.

As I was about to say, for the benefit of Senators who were not present earlier in the day during the discussion concerning this bill I may say that I put a question, as I recall, to Mr. Breckenridge Long, Assistant Secretary of State, who is interested in the matter. I said, "The right of the friendly foreign service court to exercise jurisdiction in this country, under the view taken by the State Department, is under an international rule, or law, according to the views of our American Government." I asked him, "Would it in any way becloud or cast any doubt upon our position as to what international law does, or what it may be with respect to this subject, if we were specifically to declare our views through this bill, giving the right which international law already gives?" His answer was, in effect, "No; not so long as we declare our views under international law." Mr. President, that is what my amendment would do. It simply provides that the service courts of a friendly foreign force, as defined in the bill, may exercise their jurisdiction within the territories of the United States.

Mr. CONNALLY. Mr. President, is not the whole question one of permission to the foreign force to be here? We can exclude them if we desire to do so, but does not our consent to their being here carry with it incidentals, and is not one of those incidentals that the force may exercise its discipline and its control, and punish infractions on the part of its members? That being the case, why is it necessary for us specifically to provide that they can exercise their jurisdiction here? It goes back to the fundamental question of whether we shall let them be here at all. We do not have to admit them. If we permit foreign troops and foreign naval officers and naval organizations to be within the United States, the implication and the natural inference is that they can exercise their normal functions. The purpose of the bill is simply to cooperate with those functions by permitting, with our consent, of course, the summoning of civilian witnesses to attend the sessions of their service courts. As I understand, that has to be done by permission. So, in view of his erudition

and attainments, I cannot understand the Senator's anxiety about this matter, I really do not see why it is necessary at all to do what he suggests.

Mr. REVERCOMB. If the Senator's view were followed out entirely upon this subject, then the British Parliament need not have passed its law recognizing the authority of our service courts, going further than what is proposed here, and saying that we should exercise exclusive jurisdiction. If the Senator's view were correct, there would be no need of any British statute, and that would be fine. But we have an anomalous situation. We say—and this is basic—just as the Senator from Texas says, that it is the position of the Government of the United States that under international law this right exists anyway, but Great Britain takes a very different view and says in the notes that it must be enacted by parliamentary statute. I say, let us follow the same course, and declare clearly in the proposed statute that they may exercise their jurisdiction here. It is only fair to Great Britain, it is only fair to our own country, to be specific on the subject.

Mr. CONNALLY. Is it the Senator's insistence that we should write into the bill a provision that foreign-service courts should have exclusive jurisdiction?

Mr. REVERCOMB. Oh, no; I have left the word "exclusive" out of the language, as I stated before.

Mr. CONNALLY. It might be undesirable to require that it be exclusive.

Mr. FERGUSON. Mr. President, I wish to say a few words on the amendment. As I understand the bill before the Senate, it gives to the British courts, or courts of any other friendly country, two rights, one to bring defendants before them, and the other to produce witnesses.

Mr. REVERCOMB. Will the Senator yield?

Mr. FERGUSON. I yield.

Mr. REVERCOMB. At the beginning I wish to differ with the Senator's view. The bill does not give the British foreign service courts any rights. It deals with the arrest of offenders by our officers, and requires the attendance of witnesses through our courts. The very thing stated by the Senator is what I am trying to put into the bill, that the service courts may exercise their jurisdiction, such as they have, not exclusive jurisdiction, but we are asked to declare by statute what the service court may do, by our recognition of their right to be here.

Mr. FERGUSON. I take for granted that if this Government authorizes our law-enforcing officers to arrest and bring before British courts, or other friendly courts, either a defendant or a witness, we are giving them certain rights, and the particular section which would be added to the bill could be construed as authorizing the court to act specifically, and therefore might be considered by the courts of this country as conferring jurisdiction upon the particular foreign court. It is that which I think is dangerous.

Mr. REVERCOMB. The Senator from Michigan, who is an able lawyer, knows

that our Government cannot confer jurisdiction upon a foreign government's court. The only thing it can do is to say that the foreign court may exercise the jurisdiction it derives from its own government within the territory of this country; and that is what is proposed. Further, the Senator says that it specifically does that, and he is correct in that, and we should be specific, we should not leave the matter in doubt. All this language proposes, I may say to the able Senator from Michigan, is that Congress, in words, shall declare what we have said we intended to do. Let us be direct about it.

Mr. FERGUSON. Mr. President, under the Constitution, Congress has the right to create courts inferior to the Supreme Court, and when we use language such as that proposed about a body which is called a friendly foreign court, a service court, we are creating an inferior court. Congress has provided for court martial, both in the Army and Navy, and if we say that we hereby authorize a foreign service court to exercise its jurisdiction within the territorial limits of the United States, I think it can be well said that Congress is creating that court a court under the jurisdiction of and giving it authority from this particular body.

I do not think it is the purpose of the Congress to create a new court, or to confer any jurisdiction upon any other court to try these cases. Let us say that the foreign service court already has, by virtue of international law—and I think it has in fact—the right, if it is in this country, by virtue of our Nation permitting it to be here, to exercise such jurisdiction as it may have over its nationals while they are in this country and in the service of the friendly foreign country; but if we as a legislative body attempted to confer any jurisdiction other than that such a court has by international law, I think we would be going too far, and the question would immediately be raised, Is this a court from which an appeal can be taken to some of the local courts? Can a defendant go before the local courts and obtain a writ of habeas corpus? Has he the right to go before the Supreme Court for a writ of certiorari because the jurisdiction is not being exercised under what we call due process of law? No; that is not what we are trying to arrive at; that is not what we are trying to confer upon the foreign service courts. We are attempting to allow them to operate here and to exercise the jurisdiction they have under international law, not under United States law. I think we are only complicating matters. We are making it so that we shall have trouble with the court's jurisdiction, and for that reason I think we should vote down the amendment. If the court is to function here, aid it, yes, by bringing in the witnesses; aid it, yes, by bringing in the defendants, but not by conferring any separate jurisdiction upon it or giving it the right to operate here as a domestic court.

Mr. McFARLAND. I desire to compliment the Senator from Michigan upon his statement.

Mr. REVERCOMB. Mr. President, let me say that I can find no basis whatsoever in the language of this amendment for the remarks of the Senator from Michigan with respect to conferring jurisdiction. There is nothing in the bill which confers jurisdiction, and even if we tried to do it we could not confer jurisdiction upon a service court of a friendly foreign nation. We are without power to do so. The court derives jurisdiction from its own government. The only thing we are saying is, "You may come into this country and exercise your own jurisdiction." That is what international law provides. What is the difference between the declaration of the bill and international law? International law is only what the country involved recognizes. There is no written international law on the subject.

Mr. FERGUSON. Mr. President, if we use language which authorizes the court to exercise its jurisdiction here, we mean that the jurisdiction which it exercises is legal jurisdiction. Why should this body confer upon a British court, let us say, the right to come here and exercise its jurisdiction under its own rules and regulations, and at the same time approve that procedure? It may not be in conformity with our due process of law. We learned in this body the other day that an American was tried in a secret court in Britain for a felony committed there. We may not approve that in this country. Why should we authorize the court to exercise its jurisdiction here, thereby making its jurisdiction legal under the laws of this country?

Mr. REVERCOMB. If the foreign service court cannot exercise jurisdiction, then what is the bill all about? What are we implementing by the bill if the court cannot exercise its jurisdiction in this country?

Mr. FERGUSON. The foreign service court can exercise, if I may answer the Senator from West Virginia, its jurisdiction so far as its own country's laws provide for its own jurisdiction, but not under our laws. We want the court to exercise its jurisdiction under its own country's laws, and not under the laws enacted by the Congress.

Mr. REVERCOMB. Mr. President, just one more word. There is nothing in this measure which limits the time for the exercise of jurisdiction by these friendly foreign service courts, and I want to call the attention of the Senate and have it very clear in the RECORD that the amendment I am offering limits the right of these courts to act in this country during the existence of the present hostilities and 6 months thereafter. Unless the pending amendment shall be adopted Congress will enact a permanent law to aid friendly foreign service courts for an unlimited time.

The PRESIDING OFFICER (Mr. HILL in the chair). The question is on agreeing to the amendment of the Senator from West Virginia [Mr. REVERCOMB]. The amendment was rejected.

The PRESIDING OFFICER. The bill is to open to further amendment. If there be no further amendment, the question is on the engrossment of the

amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 3241) was read the third time and passed.

EXTENSION OF CIVILIAN PILOT TRAINING ACT—CONFERENCE REPORT

Mr. RADCLIFFE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1432) to extend the Civilian Pilot Training Act of 1939, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Strike out the figures "1945" in the last line and insert in lieu thereof the figures "1946", and the House agree to the same.

GEORGE L. RADCLIFFE,
JAS. M. MEAD,
R. OWEN BREWSTER

(Per GEO. L. RADCLIFFE),

Managers on the part of the Senate.

A. L. BULWINKLE,
CLARENCE LEA,
LINDLEY BECKWORTH,
CHAS. A. WOLVERTON,
PEHR G. HOLMES.

Managers on the part of the House.

Mr. RADCLIFFE. Mr. President, the Senate bill provided for an extension of 5 years. The House of Representatives reduced that to 1 year. The conferees have agreed on 2 years. I move the adoption of the conference report.

The report was agreed to.

AMENDMENT OF THE ACT OF MAY 29, 1930

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 4292, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 19, 1944.

Resolved, That the House agree to the amendment of the Senate numbered 2 to the bill (H. R. 4292) to amend section 12 (b) of the act of May 29, 1930, as amended; and

That the House agree to the amendment of the Senate numbered 1 to said bill, with an amendment as follows: In line 1 of the matter inserted by said Senate engrossed amendment strike out "employees" and insert "employee."

Mr. BYRD. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 1. The amendment relates merely to a clerical error. The word "employees" should be "employee," singular.

The motion was agreed to.

CONSOLIDATION AND REVISION OF LAWS RELATING TO THE PUBLIC HEALTH SERVICE

Mr. THOMAS of Utah. Mr. President, when the calendar was called House bill 4624, Calendar No. 1045, was reached. That is the last bill on the calendar. Objection was made to consideration of the bill at the time by the Senator from

